

Application No. 10/696,047
Amendment Dated August 1, 2006
Reply to Office Action of May 4, 2006

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 4B. This sheet, which includes Fig. 4B, replaces the original sheet including Fig. 4B.

Attachment(s): Exhibit A - Annotated Sheet Showing Change

Exhibit B - Replacement Sheet

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REMARKS/ARGUMENTS

By this Amendment, the specification is amended, claims 1-15 are amended and claims 16-28 are added. Claims 1-28 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner sets forth that the disclosure is objected to because of the following informalities: according to the Examiner, the specification on page 11, line 18 refers to biometric image 90 in Figure 4A, B, however, the Examiner believes that Figure 4A, B does not contain biometric image 90.

The Examiner further sets forth that at page 2, line 1 in the Specification -- now U.S. Patent 6,648,473 -- should be inserted following "2001".

According to the Examiner, appropriate correction is required

Accordingly, the specification and Fig. 4B are amended. A marked-up copy of Fig. 4B is attached as Exhibit A and a corrected drawing is attached as Exhibit B.

The Examiner sets forth Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the Examiner as to whether the feature or the method comprises the further step.

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Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. The Examiner believes that claim language is unclear due to a lack of a transitional phrase.

Claims 14 and 15 are amended accordingly.

The Examiner further sets forth that Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Wildes et al. '836 (U.S. Patent 5,751,836). The Examiner also sets forth that Wildes et al. '836 teaches an automated, non-invasive iris recognition system and method including iris acquisition means for deriving an input image (iris biometric images) (the Examiner directs the Applicants' attention to col. 3, lines 11-13); pattern matching means for automatically comparing the pattern of the localized iris information applied thereto from means with the pattern of a stored model iris (the Examiner directs the Applicants' attention to col. 3, lines 21-25); an area-based image registration technique to make a detailed comparison between two images by establishing a precise correspondence between characteristic structures across the pair (the Examiner directs the Applicants' attention to col. 9, lines 52-57); mapping function that is constrained to be a similarity transformation, i.e., translation shift, scale and rotation (the Examiner directs the Applicants' attention to col. 9, lines 62-65); square edges used as an alignment mechanism for the purpose of permitting the user to self-position his or her eye into the field of view of the imager (altering a relative location of said iris) (the Examiner directs the Applicants' attention to col. 4, lines 6-10); an array of light sources to illuminate an eye of the user (the Examiner directs the Applicants' attention to col. 3, lines 41-44); diffuser to provide uniform illumination of the eye and integrating

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radiant energy over a wide region at the eye (provide an optimized image) (the Examiner directs the Applicants' attention to col. 3, lines 44-47); acquiring a sequence of images until one with quality adequate for subsequent operations has been obtained (providing said optimized image in accordance with an image quality metric) (the Examiner directs the Applicants' attention to col. 7, lines 5-8); identification of a person for security access (the Examiner directs the Applicants' attention to col. 4, lines 51-53).

Wildes teaches an iris recognition system and method. Iris recognition is achieved in Wildes by a user positioning an eye in the field of view of the system and obtaining a digitized video image of the user's eye. Pattern matching is performed using the digitized image thus obtained and stored data. A determination is made on the validity of the match. The iris recognition taught by Wildes can be used to identify an individual person for the purpose of granting or denying access. For example, the Wildes iris recognition system can be used for controlling access to a secure facility or an automatic transaction machine (ATM). Wildes is completely silent with respect to performing any procedures on the eye of the individual, other than scanning and identifying the eye.

The Applicants' invention includes a system and method for clarifying an optical and digital image of an eye and performing a medical procedure on the eye. A light beam formed of incoherent light is applied to the eye and reflected from the eye. Electrical signals representative of the reflected light beam are provided and an iris biometric image is obtained therefrom. An image is determined according to the iris biometric image. The iris biometric image thus obtained can be used as a

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unique identifier of an individual if desired. However, in accordance with the kernal of the present invention, a medical procedure is performed according to the iris biometric image.

The apparatus and method of the present invention can be used for positioning the iris. See, for example, Paragraphs [0067] - [0069] wherein all references to paragraph numbers herein refer to the printed publication of the instant application, U.S. 2004/0165146 A1, published on August 26, 2004. Additionally, the apparatus and method of the present invention can be used to perform ophthalmological procedures such as photocoagulation (See Paragraph [0087]), correction of optical aberrations (See Paragraph [0023]), optical biopsies (See Paragraph [0087]) as well as diagnosis and surgery on the eye (See Paragraph [0044]).

Therefore, the Applicants' amended claim 1 sets forth a method for performing a medical procedure on an eye having an iris. The method includes obtaining an iris biometric image representative of the iris and performing the medical procedure on the eye in accordance with the iris biometric image.

Wildes does not teach or suggest the use of an iris biometric image to perform a medical procedure as set forth in the Applicants' amended claim 1. Rather, Wildes teaches only identifying an iris, and thereby identifying an individual, using the biometric method. Wildes is completely silent with respect to performing any medical procedures using the biometric method. Therefore, Wildes does not teach or suggest the Applicants' invention of performing a medical procedure on an eye according to the iris biometric image as set forth in amended claim 1.

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Claims 16-28 ultimately depend from claim 1 and are patentable for the same reasons set forth above.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

August 1, 2006

Please charge or credit our Account
No. 03-0075 as necessary to effect
entry and/or ensure consideration of
this submission.

By



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